IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7623 OF 2004.

F.D.C.Limited. .... Petitioners.

versu.

Navbharat, Nagpur & anr. .... Respondents.

Shri N.Y.Gupte for the Petitioners.
Shri Sameer Mangaonkar for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : 9th December, 2004.

P.C.:

1. By this petition under Article 227 of the Constitution of India, the challenge is to the order dated 23rd July 2004 by which the Respondents/ Defendants were permitted to file Written Statement. Shri Gupte, the learned Counsel appearing for the Petitioners submitted that in view of the law laid down by the Division Bench of this Court, the learned trial Judge could have granted the permission to the Respondents to file Written Statement only if a case of existence of exceptional circumstance was made out.

2. The result of the impugned order is that the Written Statement, which is tendered by the Respondents/ Defendants is taken on record and they are permitted to contest the suit on merit. In my view no failure of justice has been occasioned by the impugned order and hence the petition under Article 227 of the Constitution cannot be entertained and the same is rejected with no order as to costs.

Judge.